

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

FREDRICK WHERRY,

Plaintiff,

v.

BOWIE COUNTY PR BONDS, *et al.*,

Defendants.

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CIVIL ACTION NO. 5:20-CV-00015-RWS

ORDER

Plaintiff Fredrick Wherry, proceeding *pro se*, filed the above-styled and numbered civil action complaining of alleged violations of his constitutional rights. The case was referred to the United States Magistrate Judge in accordance with 28 U.S.C. § 636.

Plaintiff Wherry complains of the actions of Judge John Tidwell and a bail bond company called Bowie County PR Bonds. After review of the pleadings, the Magistrate Judge issued a Report recommending the lawsuit be dismissed because Judge Tidwell is shielded by judicial immunity and the bail bond company is not a state actor and thus not amenable to suit under 42 U.S.C. § 1983. A copy of this Report was sent to Plaintiff Wherry at his last known address, a post office box in Dekalb, Texas, on September 23, 2020, but no objections have been received, nor has Plaintiff otherwise contacted the Court since that time. Petitioner Wherry is a *pro se* litigant, and, under the Local Rules of the Eastern District of Texas, *pro se* litigants must provide the Court with a physical address and are “responsible for keeping the clerk advised in writing of the current physical address.” Local Rule CV-11(d).

Because Petitioner Wherry did not file objections to the Report, he is barred from *de novo* review by the District Judge of those findings, conclusions and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the District Court. *Duarte v. City of Lewisville, Texas*, 858 F.3d 348, 352 (5th Cir. 2017).

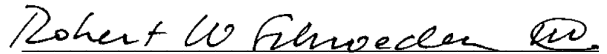
Nonetheless, the Court has reviewed the pleadings in this cause and the Report of the

Magistrate Judge. Upon such review, the Court has determined the Report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918, 109 S.Ct. 3243 (1989) (where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law."). Accordingly, the Report of the Magistrate Judge (Docket No. 5) is **ADOPTED** as the opinion of the District Court. It is therefore

ORDERED that the above-styled civil action is **DISMISSED WITH PREJUDICE** for purposes of proceeding *in forma pauperis* for failure to state a claim upon which relief may be granted, but without prejudice as to any claims which Plaintiff may have against the bail bond company in the courts of the State of Texas. It is further

ORDERED that any and all motions which may be pending in this civil action are hereby **DENIED**.

SIGNED this 26th day of February, 2021.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE